

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:22-cv-06261-AB-JC

Date: December 8, 2023

Title: *Brand Surgical Institute v. Costco Wholesale Corporation, et al.*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Carla Badirian

N/A

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Appearing

None Appearing

**Proceedings: [In Chambers] ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR LACK OF
PROSECUTION**

The Court set a Pretrial Conference for December 15, 2023. *See* Scheduling Order (Dkt. No. 27). The Scheduling Order required the parties to file mandatory first round and second round pretrial filings by November 17, 2023 and December 1, 2023. *Id.* To date, the parties have not filed any pretrial documents or indicated why no documents have been filed.

Although all parties—and the Court—are responsible for the timely progress of a case, a plaintiff, as the party who filed an action, bears the primary responsibility for ensuring compliance with deadlines that apply to them. The Court therefore **ORDERS** Plaintiff to show cause why this case should not be dismissed for lack of prosecution given the parties' failure to file the required trial documents by the deadlines.

An appropriate response may include a Notice of Settlement, or a declaration explaining why the documents were not filed along with a Stipulation of the parties and a Proposed Order to reset the trial dates.

Plaintiff's Response must be filed by December 11, 2023. If no response is filed by that time, the case will be dismissed without further notice.

IT IS SO ORDERED.